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13 Attorneys for DEANNA J. MOUSER and
14 ATKINSON, ANDELSON, LOYA,
15 RUUD & ROMO

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 J.J., a minor, by and through his
19 Guardian *Ad Litem*, Robert M. Vantress,

20 Plaintiff,

21 v.

22 OAK GROVE SCHOOL DISTRICT, a
23 public entity school district,
24 EMANUAL (MANNY) BARBARA, an
25 individual, KATHERINE BAKER, an
26 individual, RICHARD HOLTERMAN,
27 an individual, TAMRA UNCK, an
28 individual, RISA QUON, an individual,
1 NANCY LETTENBERGER, an
2 individual, JACQUELINE ADAMS, an
3 individual, JEREMY NISHIHARA, an
4 individual, DIANNE LEMKE, an
5 individual, DENNIS HAWKINS, an
6 individual, DEANNA JEAN MOUSER,
7 an individual and ATKINSON,
8 ANDELSON, LOYA, RUUD &
9 ROMO, a Professional Law
10 Corporation,

11 AALRR Defendants.

12 CASE NO.: C 08-05376 JW HRL

13 **AALRR DEFENDANTS**
14 **MOUSER'S AND AALRR'S**
15 **OBJECTION TO STIPULATION**
16 **AND ORDER, AND ORDER**
17 **EXTENDING TIME FOR**
18 **PLAINTIFF TO FILE SECOND**
19 **AMENDED COMPLAINT**

20 JUDGE: Hon. James Ware

21 Complaint Filed: 11/28/08
22 Trial Date: TBD

AALRR Defendants Deanna J. Mouser and Atkinson, Andelson, Loya, Ruud & Romo (collectively referred to as the "AALRR Defendants") hereby object to the Declaration of Necessity, Stipulation and Order, and Order Extending Time For Plaintiff To File Second Amended Complaint (the "stipulation"), filed with this Court on August 1, 2011, as follows:

1. The AALRR Defendants did not agree to the language of the stipulation.

2. The AALRR Defendants did not consent to the filing of the stipulation without the language specifically requested by the AALRR Defendants to be included in the stipulation.

3. The AALRR Defendants did not consent to Plaintiff's counsel placing Defendant Deanna J. Mouser's electronic signature on the stipulation.

Background:

Pursuant to this Court's Order of July 14, 2011, Docket No. 182, Plaintiff's deadline to file an amended complaint was set for August 1, 2011.

On the morning of August 1, 2011, Plaintiff's counsel, Robert Vantress, emailed the AALRR Defendants requesting a ten day extension to amend the first amended complaint. See Declaration of Yona Conzevoy ("Conzevoy Decl.") at ¶ 2, and Exhibit "A" attached thereto.

At approximately 10:26 a.m. on August 1, 2011, the AALRR Defendants agreed via email to stipulate to a ten day extension of time to file an amended complaint, but asked that Vantress forward the stipulation once drafted. See Conzevoy Decl. at ¶ 3, and Exhibit "B" attached thereto.

At approximately 3:24 p.m. on August 1, 2011, Vantress emailed the stipulation to the AALRR Defendants and asked the AALRR Defendants to approve the stipulation and give him changes or consent. See Conzevoy Decl. at ¶ 4, and Exhibit "C" attached thereto.

At approximately 4:31 p.m., the AALRR Defendants emailed Vantress

1 requesting that he add a paragraph to the stipulation and that he send the revised
2 stipulation back to AALRR Defendants for review and approval. See Conzevoy
3 Decl. at ¶ 5, and Exhibit "D" attached thereto.

4 Vantress never sent the revised stipulation back to the AALRR Defendants
5 for review and approval, instead, later that day at approximately 11:31 p.m. he
6 filed the stipulation without adding the requested paragraph and added Defendant
7 Deanna J. Mouser's electronic signature on the stipulation without her permission.

8 On August 2, 2011, the AALRR Defendants left a phone message and an
9 email for Vantress requesting that he withdraw the stipulation immediately for the
10 foregoing reasons and informing him that if he did not notify the court of the
11 withdrawal the AALRR Defendants would file objections to the stipulation.
12 Vantress never responded to the AALRR Defendants. See Conzevoy Decl. at ¶ 6,
13 and Exhibit "E" attached thereto.

14 Since AALRR Defendants never agreed to the stipulation as filed, Vantress
15 did not add to the stipulation the paragraph requested by the AALRR Defendants,
16 and Vantress placed the AALRR Defendants' electronic signature on the
17 stipulation without the AALRR Defendants' permission, Vantress had no right to
18 file the stipulation and it should be rejected by the Court.

19 DATED: August 2, 2011

20 ATKINSON, ANDELSON, LOYA, RUUD &
21 ROMO

22 By: /s/ Yona Conzevoy

23 Yona Conzevoy
24 Attorneys for DEANNA J. MOUSER and
25 ATKINSON, ANDELSON, LOYA,
26 RUUD & ROMO

EXHIBIT A

From: Robert Vantress <RVantress@VantressLaw.com>
Date: August 1, 2011 8:22:24 AM PDT
To: "Mark E. Davis" <MDavis@davismyounglaw.com>
Cc: "Debbie J. Myers" <DMyers@davismyounglaw.com>, "Debbie E. Belmar" <DBelmar@aalrr.com>, "Deanna J. Mouser" <DMouser@aalrr.com>, 'Robert Vantress' <RVantress@VantressLaw.com>
Subject: RE: Jackson

Deanna and Mark:

I have had a family emergency over the last week that put me behind deadlines on all of my cases. May I please have a 10 day extension to amend the complaint? Please let me know asap today. If so, I will draft a stip and order.

Thanks in advance.

*Please note new address:

Robert M. Vantress
Vantress Law Group
900 E. Hamilton Ave.,
Suite 100 Campbell, CA 95008
Tel: (408) 905-6501
Fax: (408) 583-4000
E-mail: RVantress@VantressLaw.com

Web: www.VantressLaw.com

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EXHIBIT B

From: Deanna J. Mouser
Sent: Monday, August 01, 2011 10:26 AM
To: Robert Vantress; 'Mark E. Davis'
Cc: 'Debbie J. Myers'; Debbie E. Belmar; James H. Palmer
Subject: RE: Jackson [AALRR-PLEASANT.004188.00055]

The stipulation to a ten-day extension of time to file an amended complaint is fine. Please forward the stip once drafted.

Deanna J. Mouser
Attorney | Atkinson, Andelson, Loya, Ruud & Romo
Direct (925) 251-8520 • iPhone Cell (925) 519-2989 • Cell (925) 998-9258
Main (925) 227-9200 • Main Fax (925) 227-9202
dmouser@aalrr.com | vcard | website | subscribe

EXHIBIT C

From: Robert Vantress [RVantress@VantressLaw.com]
Sent: Monday, August 01, 2011 3:24 PM
To: Deanna J. Mouser; 'Mark E. Davis'
Cc: 'Debbie J. Myers'; Debbie E. Belmar; James H. Palmer
Subject: RE: Jackson [AALRR-PLEASANT.004188.00055]

Attachments: 2011-08-1 Stip & Order Extending Time.pdf

Thanks for the stipulation. Please approve the attached stip and order and give me your changes or consent.

*Please note new address:

Robert M. Vantress
Vantress Law Group
900 E. Hamilton Ave.,
Suite 100 Campbell, CA 95008
Tel: (408) 905-6501
Fax: (408) 583-4000
E-mail: RVantress@VantressLaw.com

Web: www.VantressLaw.com

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EXHIBIT D

From: Deanna J. Mouser
Sent: Monday, August 01, 2011 4:31 PM
To: 'Robert Vantress'; 'Mark E. Davis'
Cc: 'Debbie J. Myers'; Debbie E. Belmar; James H. Palmer; Christopher S. Andre
Subject: RE: Jackson [AALRR-PLEASANT.004188.00055]

Please add to the stip the following paragraph:

Defendants Mouser and AALRR's stipulation to this extension of time for Plaintiff to file an amended complaint is without prejudice to Defendants' right to file an appeal to the court's order granting and denying Defendants' prior motions.

Please send the revised stip back to me for review and approval. Thank you.

Deanna J. Mouser
Attorney | Atkinson, Andelson, Loya, Ruud & Romo
Direct (925) 251-8520 • iPhone Cell (925) 519-2989 • Cell (925) 998-9258
Main (925) 227-9200 • Main Fax (925) 227-9202
dmouser@aalrr.com | vcard | website | subscribe

EXHIBIT E

From: Christopher S. Andre
Sent: Tuesday, August 02, 2011 3:05 PM
To: 'rvantress@vantresslaw.com'
Cc: Yona Conzevoy; Deanna J. Mouser; James H. Palmer; Patti Kim; Debbie E. Belmar
Subject: jj v. Oak Grove School District

I attempted to reach you by telephone to discuss this matter, but I was not able to speak to anyone at your office.

This is to request that you withdraw immediately the purported stipulation you filed with the court today for a 10 day extension of time for you to file on behalf of the plaintiffs a second amended complaint. As you are aware, this firm did not consent to the language of the stipulation as you filed it, did not consent to the filing of the stipulation without the language we specifically requested be included in the stipulation, and we did not consent to you placing on the stipulation you filed our purported electronic signature.

If you do not notify the court the purported stipulation you filed without our consent is withdrawn or contact me to make other suitable arrangements, you will leave me with no choice but to file with the court objections to the purported stipulation you filed without our consent.

Please contact me as soon as possible.

Christopher S. Andre
Partner | Atkinson, Andelson, Loya, Ruud & Romo
Direct (562) 653-3545 • Direct Fax (562) 653-3770
candre@aalrr.com | vcard | website | subscribe | blog



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